State Law Library of Montana

MONTANA LEGISLATIVE HISTORY

Chapter 492 Session L 83
Bill House 507 Senate _____

History and final status sheet x
Introduced bill x
Fiscal note NA
Third reading bill X
Final version of bill X

House Committee on Judiciary
Hearing date(s)* 2/9 _____
_____ _____
Executive action (vote) date(s)* 2/9
Comm. Report 2/9
Floor 2nd reading & vote 2/11; 3/31
Floor 3rd reading & vote 2/14; 4/1

Senate Committee on Judiciary
Hearing date(s)* 3/11 _____
_____ _____
Executive action (vote) date(s)* 3/11
Comm. Report 3/11
Floor 2nd reading & vote 3/15
Floor 3rd reading & vote 3/17

Conference or Free Conference Comm. _____ Yes x No
Hearing date(s)* _____
Executive action (vote) date(s)* _____

* Includes minutes, exhibits, roll call, visitors register, and vote sheet if available.

Did this bill originate in an interim committee? _____ Yes x No
Committee _____ Report _____

NOTES:

State Law Library of Montana

Compiled by: rg
Date: 2/21/20

HB 507 -- HANNAH, FAGG -- TO AMEND THE LAWS RELATING TO THE OFFICE HOURS AND FEES OF JUSTICES' COURTS AND TO THE COMMENCEMENT OF ACTIONS IN AND REMOVAL OF ACTIONS FROM JUSTICES' COURTS; AMENDING ....

INTRODUCED: 01/26/83
REFERRED TO COMMITTEE ON JUDICIARY: 01/26/83
HEARING: 2/9/83
REPORT: 02/09/83, DO PASS
2ND READING: 02/11/83, DO PASS AYES: 86; NAYS: 5
3RD READING: 02/14/83, DO PASS AYES: 92; NAYS: 1

TRANSMITTED TO SENATE: 2/14/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/15/83
HEARING: 3/11/83
REPORT: 3/11/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/15/83 AYES: 49; NAYS: 0
3RD READING: 03/17/83 AYES: 48; NAYS: 0

RETURNED TO HOUSE WITH AMENDMENTS: 03/17/83
2ND READING: 03/31/83, BE CONCURRED IN AYES: 81; NAYS: 7
3RD READING: 04/01/83, BE CONCURRED IN AYES: 81; NAYS: 3

TRANSMITTED TO GOVERNOR: 04/12/83
SIGNED: 04/14/83, CHAPTER 492

HB 508 -- MCBRIDE, STIMATZ -- TO GENERALLY REVISE THE COMPOSITION OF THE STATE LIBRARY COMMISSION; AMENDING ....

INTRODUCED: 01/26/83
REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES: 01/26/83
HEARING: 2/11/83
REPORT: 02/14/83, DO PASS, AS AMENDED
2ND READING: 02/16/83, DO PASS AYES: 88; NAYS: 3
3RD READING: 02/21/83, DO PASS AYES: 100; NAYS: 0

TRANSMITTED TO SENATE: 2/21/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 3/1/83
HEARING: 3/7/83
REPORT: 3/8/83, BE CONCURRED IN
2ND READING: 03/10/83 AYES: 49; NAYS: 0
3RD READING: 03/12/83 AYES: 47; NAYS: 0

RETURNED TO HOUSE: 3/12/83

TRANSMITTED TO GOVERNOR: 03/18/83
SIGNED: 03/22/83, CHAPTER 172

HB 509 -- ASAY, SPAETH -- ALLOWING A CONSERVATION DISTRICT TO BE REORGANIZED INTO SEVEN SUPERVISOR AREAS; AND ALLOWING FOR THE ELECTION OF SEVEN CONSERVATION DISTRICT SUPERVISORS; AMENDING ....

INTRODUCED: 01/26/83
REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION: 01/26/83
HEARING: 2/4/83
REPORT: 02/09/83, DO PASS
2ND READING: 02/11/83, DO PASS AYES: 90; NAYS: 1
3RD READING: 02/14/83, DO PASS AYES: 93; NAYS: 1

HOUSE BILL NO. 507

INTRODUCED BY HANNAH, FAGG

IN THE HOUSE

January 26, 1983	Introduced and referred to Committee on Judiciary.
February 9, 1983	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
February 11, 1983	Second reading, do pass.
February 12, 1983	Considered correctly engrossed.
February 14, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 15, 1983	Introduced and referred to Committee on Judiciary.
March 11, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 15, 1983	Second reading, concurred in.
March 17, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 17, 1983	Returned to House with amendments.
March 31, 1983	Second reading, amendments concurred in.
April 1, 1983	Third reading, amendments concurred in.
	Sent to enrolling.
	Reported correctly enrolled.

House BILL NO. 507

INTRODUCED BY Hannah - Fabe

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS RELATING TO THE OFFICE HOURS AND FEES OF JUSTICES' COURTS AND TO THE COMMENCEMENT OF ACTIONS IN AND REMOVAL OF ACTIONS FROM JUSTICES' COURTS; AMENDING SECTIONS 3-10-208, 25-31-112, 25-35-601, AND 25-35-605, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-208, MCA, is amended to read:

"3-10-208. Office hours. In the resolution providing for the salary, the county commissioners shall designate the office hours for each ~~justice~~ justice's court. Office hours shall be commensurate with the salary provided."

Section 2. Section 25-31-112, MCA, is amended to read:

"25-31-112. Fees. The following is the schedule of fees which, except as provided in 25-35-605, shall be paid in every civil action in a justice's court:

(1) ~~$5~~ $10 when complaint is filed, to be paid by the plaintiff;

(2) ~~$5~~ $10 when the defendant appears, to be paid by the defendant;

(3) ~~$5~~ $10 to be paid by the prevailing party when judgment is rendered. In cases where judgment is entered by default, no charge except the $5 for the filing of the complaint shall be made for any services, including issuing and return of execution.

(4) ~~$5~~ $10 for all services in an action where judgment is rendered by confession;

(5) ~~$5~~ $10 for filing notice of appeal and transcript on appeal, justifying and approving undertaking on appeal, and transmitting papers to the district court with certificate;

(6) $1 for filing each writ of execution or attachment."

Section 3. Section 25-35-601, MCA, is amended to read:

"25-35-601. Commencement of action -- assistance to claimant. (1) A small claims action is commenced whenever any person appears before a justice of the peace or his clerk and executes a sworn small claims complaint in substantially the same form as set forth in 25-35-602.

(2) The justice shall assist any claimant in preparing his complaint or instruct his clerk to provide such assistance. The attorney general shall prepare a pamphlet explaining in plain language the procedures for prosecuting and defending a claim in small claims court and distribute copies of the pamphlet to each small claims court. The justice or his clerk shall give the plaintiff a copy when the plaintiff appears to execute his complaint, and a copy

INTRODUCED BILL
HB 507

must be attached to the order of the court/notice to defendant."

Section 4. Section 25-35-605, MCA, is amended to read:

"25-35-605. Removal to justice's court -- effect of failure to remove. (1) Any action commenced in small claims court may be removed to justice's court by a defendant upon the filing of a notice of removal with the justice within ~~40~~ 10 days of the service of the complaint and order. From the time of filing of the notice of removal, the court to which the action is removed has and exercises the same jurisdiction over it as though the action had been originally commenced in such court.

(2) Upon the filing of a notice of removal, the court shall give notice of that fact to all other parties to the action. All rules and statutes governing proceedings originally commenced in justice's court, except rules of pleading but including rules and statutes governing appeals from justice's court, are applicable to proceedings removed to justice's court, except that a plaintiff is not required to replead unless the court so orders, and no fee shall be required of a plaintiff for the filing of a complaint if a fee for filing was paid in small claims court.

(3) Failure to request removal within the time provided in subsection (1) constitutes a waiver by the defendant of his right to a trial by jury and representation

by an attorney, and the justice shall inform the defendant of such fact prior to commencement of the hearing."

-End-

STATUS SHEET

JUDICIARY COMMITTEE

48Legislature

.l No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
496	Requiring clerks of Dist. Crt. to issue passports in accordance with fed. law and to establish and collect fees for issuing passports.	1/25/83	Rep. Ellison	2/4/83	Do Not Pass	2/4/83
501	Allowing an exception to the prohibition against employment discrimination on the basis of marital status in certain circumstances	1/25/83	Rep. Farris	2/11/83	Do Pass As Amended	2/12/83
502	Extending the time that judicial proceedings are stayed upon transmission of additional evidence to the Public Service Com.; eliminating auto transmission of add. evidence	1/25/83	Rep. Pavlovich	2/4/83	Do Pass As Amended	2/4/83
507	Amend laws relating to the office hours and fees of justices' courts and to the commencement of actions in and removal of actions from justices' courts.	1/26/83	Rep. Hannah	2/9/83	Do Pass	2/9/83
516	Providing for city attorney reports to the Attorney General on cases involving declined prosecutions or the excl. rule; provide AG newsletter	1/26/83	Rep. Addy	2/7/83	Do Not Pass As Amended	2/8/83
524	Repeal Section 49-2-601, relating to criminal penalties for a violation of Human Rights Act.	1/27/83	Rep.Darko	2/7/83	Do Pass	2/7/83

rm CS-32
31

MINUTES OF THE JUDICIARY COMMITTEE
February 9, 1983

The meeting of the House Judiciary Committee was called to order by Chairman Dave Brown at 8:03 a.m. in room 224A of the capitol building, Helena, Montana. All members were present with the exception of Representative Kennerly, who was excused. Also present was Brenda Desmond, Staff Attorney for the Legislative Council.

CHAIRMAN BROWN advised the committee that they have seven bills to hear today and he publicly apologized to REPRESENATIVE HANNAH for putting him in the position of killing his bill when he was gone from the committee and was being interviewed by the newspaper.

HOUSE BILL 664

REPRESENTATIVE CURTISS, District 20, stated that it was her intention to hold this bill until such a time as all the other gambling bills were in and she had not asked anyone to come here today to testify on this bill. This bill is an act to revise the gambling laws by revising the definition of "slot machine" and "authorized card game" and prohibiting simulated or electronic bingo games. She indicated that this bill is a straight-forward effort to clarify what constitutes legal gambling in the state of Montana; since passing of the initiative, there has been increasing difficulty in interpreting what are and are not legal games in Montana and this bill will clarify that.

There were no proponents.

JOHN POSTEN, representing the Montana Coin Machine Operators' Association, stated that his people are the people who distribute these machines; they are located throughout the state; and he pointed out that these devices have not caused any problems as far as he knew. He contended that the county attorneys are not unanimously against this and he does not know of any law enforcement problems that have developed because of these devices.

REPRESENTATIVE CURTISS closed.

There were no questions and the hearing on this bill was closed.

that is a qualified substitute, who could act on these matters. MR. TURCOTT responded that whenever there is an extended leave of absense someone can fill in for them. He also indicated that he could sympathize with the sheriff's point of view, but they also have the rights of the individual and that is where they come from.

REPRESENTATIVE KEYSER wondered if there is ever a time in a county such as Yellowstone that there is not a judge available. MR. TURCOTT responded that they did not see that as a problem and the Magistrates' Association is the one who drew this up.

REPRESENTATIVE EUDAILY asked if the amendment he proposed would also apply on lines 24 and 25 at the bottom of the page. MR. TURCOTT responded that he asked the magistrates about that and they said that they wanted to leave that the way it was.

REPRESENTATIVE ADDY advised that if you have an authorized law enforcement officer who makes the arrest, it is probably going to be a better arrest than someone who is not a law enforcement officer and in the second case, they would want to get before a court judge to test the sufficiency of the arrest.

There were no further questions and the hearing on this bill was closed.

HOUSE BILL 507

REPRESENTATIVE HANNAH, District 67, Billings, said that this bill amends the laws relating to the office hours and fees of justices' courts and to the commencement of actions in and removal of actions from justices' courts; and the fees are increased from $5.00 to $10.00.

MARCEL TURCOTT, representing the Montana Magistrates' Association, said that he concurred with Representaitve Hannah and went over the changes in this bill.

There were no further proponents and no opponents.

REPRESENTATIVE HANNAH closed.

REPRESENTATIVE FARRIS asked what are rules of pleading. MS. DESMOND responded that those are rules which govern the way the papers are prepared and the rules are relaxed for pleading in small claims court.

There were no further questions and the hearing on this bill was closed.

HOUSE BILL 585

REPRESENTATIVE HANNAH, District 67, Billings, said that this bill and HB 584 deal with a very serious area and they were introduced at the request of the Task Force on Corrections. He stated that this bill decreases the instances in which an offender is designated as a nondangerous offender; this includes deliberate homicide, mitigated deliberate homicide, negligent homicide, aggravated assault, kidnapping, aggravated kidnapping, robbery, sexual intercourse without consent, arson, possession of a deadly weapon by a prisoner, sale of dangerous drugs, possession of dangerous drugs, possession with intent to sell, and possession of precursors.

There were no proponents.

KARLA GRAY, representing the Montana Trial Lawyers' Association, indicated that the oppose this bill because it interferes substantially with judicial discretion; it interferes with prosecutorial discretion; and it appears to her to walk away from the original purpose of this bill, which is designating non-dangerous offenders.

MARC RACICOT, Prosecution Coordinator for the County Prosecutor Services of the Department of Justice, testified that the list of offenses pretty much correlate with the list of offenses in the mandatory sentencing law; and the county attorneys have many of the same objections to this bill as they did to the mandatory sentencing bill; and they wish to go on record as opposing this bill.

REPRESENTATIVE BERGENE asked just how fast do they need to find a judge. REPRESENTATIVE KEYSER responded that the need is not normally that great; you have to take that person before a judge in a reasonable time, but it isn't a matter of having to be there right this minute.

The motion passed with REPRESENTATIVE ADDY, REPRESENTATIVE HANNAH and REPRESENTATIVE JENSEN voting no.

HOUSE BILL 507

REPRESENTATIVE HANNAH moved that this bill DO PASS. The motion was seconded by REPRESENTATIVE JENSEN.

REPRESENTATIVE HANNAH stated that this was a very reasonable bill; it was not a drastic departure from any current laws; and he felt that it should pass.

REPRESENTATIVE JENSEN noted that they are talking about a 100 per cent increase and he wondered where the money goes. REPRESENTATIVE HANNAH replied that he does not know where it goes. REPRESENTATIVE KEYSER answered that some goes to the county.

REPRESENTATIVE JENSEN asked if some of these funds go into the school funds. MR. TURCOTT replied that with all the fines at the county level, $7.50 would go into the general fund and the balance of the fines would go into the school funds. REPRESENTATIVE JENSEN clarified that these are fees. No one seemed to know.

The motion carried unanimously.

HOUSE BILL 619

REPRESENTATIVE HANNAH moved that this bill DO PASS. REPRESENTATIVE KEYSER seconded the motion.

REPRESENTATIVE HANNAH commented that he had some notes that indicated that they give them three-days notice; then there is another six days to wait and then another ten days to try and get a person out, who has not paid the

VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

BILL HOUSE BILL 507 Date Feb. 9, 1983

SPONSOR Hannah

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
Marcel Tureotte	Townsend	MMA	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

February 9, 19 83

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 507

First reading copy (white Color)

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS RELATING TO THE OFFICE HOURS AND FEES OF JUSTICES' COURTS AND TO THE COMMENCEMENT OF ACTIONS IN AND REMOVAL OF ACTIONS FROM JUSTICES' COURTS; AMENDING SECTIONS 3-10-208, 25-31-112, 25-35-601, AND 25-35-605, MCA."

Respectfully report as follows: That HOUSE Bill No. 507

DO PASS

DAVE BROWN, Chairman.

STATE PUB. CO.
Helena, Mont.

Approved by Committee
on Judiciary

House BILL NO. 507

INTRODUCED BY Hannah - Fagg

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS RELATING TO THE OFFICE HOURS AND FEES OF JUSTICES' COURTS AND TO THE COMMENCEMENT OF ACTIONS IN AND REMOVAL OF ACTIONS FROM JUSTICES' COURTS; AMENDING SECTIONS 3-10-208, 25-31-112, 25-35-601, AND 25-35-605, MCA."

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SECOND READING
HB 507

must be attached to the order of the court/notice to defendant."

Section 4. Section 25-35-605, MCA, is amended to read:

"25-35-605. Removal to justice's court -- effect of failure to remove. (1) Any action commenced in small claims court may be removed to justice's court by a defendant upon the filing of a notice of removal with the justice within 40 10 days of the service of the complaint and order. From the time of filing of the notice of removal, the court to which the action is removed has and exercises the same jurisdiction over it as though the action had been originally commenced in such court.

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(3) Failure to request removal within the time provided in subsection (1) constitutes a waiver by the defendant of his right to a trial by jury and representation

by an attorney, and the justice shall inform the defendant of such fact prior to commencement of the hearing."

-End-

House BILL NO. 507

INTRODUCED BY Hannah - Fagg

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 THIRD READING
HB 507

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by an attorney, and the justice shall inform the defendant of such fact prior to commencement of the hearing."

-End-

48th LEGISLATIVE SESSION

COMMITTEE ON Senate Judiciary

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO NOT DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
415	2-8-83	3-22-83	3-22-83					3-22-83	
416	3-2-83	3-22-83	3-22-83						3-22-83
424	2-15-83		REFERRED TO STATE ADMINISTRATION						
427	2-15-83		REFERRED TO STATE ADMINISTRATION						
429	2-9-83	3-11-83	3-11-83					3-11-83	
433	2-9-83	3-3-83	3-3-83				3-3-83		
438	3-2-83	3-18-83	TABLED						
452	2-7-83	2-11-83	2-17-83					2-17-83	
467	2-21-83	3-18-83	3-19-83				3-19-83		
481	2-9-83	3-3-83	3-3-83				3-3-83		
489	2-17-83	3-14-83	3-14-83				3-14-83		
501	2-18-83	3-15-83	3-15-83				3-15-83		
502	2-10-83	3-8-83	3-8-83				3-8-83		
505	3-1-83	3-14-83	3-14-83				3-14-83		
507	2-15-83	3-11-83	3-11-83					3-11-83	
512	2-11-83	3-7-83	TABLED						

(Use Separate Sheet for Senate, House Bills, and Resolutions)

MINUTES OF THE MEETING
SENATE JUDICIARY COMMITTEE
March 11, 1983

The fortieth meeting of the Senate Judiciary Committee was called to order by Chairman Jean A. Turnage on March 11, 1983, at 10:09 a.m., Room 325, State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 507: Representative Hannah opened by stating that he was supporting this bill at the request of the Justice of the Peace in Billings, Montana. Representative Hannah feels this bill is necessary because it has been many years since the fees have been raised. The increase is necessary to cover the increasing costs incurred by the court. Representative Hannah pointed out to the Committee that on page 2, line 1, the $5 fee needed to be amended to $10 to be consistent with the rest of the bill.
PROPONENTS: Marcel Turcotte, representing the Montana Magistrates Association, stated that he supports HB507. He stated the $1 filing fee for writs of execution would also help defer costs. Mr. Turcotte also pointed out that due to a lack of time on the part of the Justices of the Peace, it would be helpful if Clerks of Court could witness signatures to complaints. Mr. Turcotte asked the Committee for a do pass recommendation.

There being no further proponents and no opponents, the hearing was opened to questions from the Committee.

Senator Halligan inquired as to whether this bill applied to small claims courts and was told it did. Senator Turnage inquired whether there was any charge for issuing a writ of execution since most writs of execution are issued rather than filed. He was told no.

CONSIDERATION OF HOUSE BILL 429: Representative Hannah testified that firearms being fired within city limits is a big problem, especially in regards to highway signs. He also stated that the current $25 fine is not much of a deterent. It is his belief that a $500 fine, plus the possibility of jail time would have a much greater effect on would-be offenders.

Representative Addy testified that the discharging of firearms may be a minor offense, but it can also constitute a real threat to society. Representative Addy feels more discretion in sentencing should be given to the judge.

Marcel Turcotte testified that this bill contained a fail-safe mechanism. People have, under Section 42-17-311, MCA, a trial de novo, which means a person sentenced in Justice Court who feels his penalty is excessive, can go to District Court for a new trial as if no previous trial ever existed. Mr. Turcotte feels that the District Courts have a large enough case load. It is

ACTION ON HOUSE BILL 245: It was moved the term "office"= be used instead of "offices" and the other proposed amendments be adopted. The proposed amendments carried unanimously. It was then moved that HB245 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HOUSE BILL 429: The Committee was concerned with cities not being able to control the problem of discharging firearms within the city by their own ordinance. Senator Turnage suggested that cities be allowed to determine any penalty over $25. It was moved the proposed amendments BE ADOPTED. he motion carried with Senator Crippen voting in opposition. It was then moved that HB429 BE CONCURRED IN AS AMENDED. This motion carried with Senator Crippen voting in opposition.

ACTION ON HOUSE BILL 507: Senator Daniels suggested replacing $10 with $7.50 in subsections (1), (2), (3), (4) and (5), and to replace "filing" with "issuing" on p. 2, line 10. He then moved that the amendments BE ADOPTED. The motion carried unanimously. It was then moved that HB507 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

There being no further action to come before the Committee, the meeting was adjourned at 11:45 a.m.

Jean A. Turnage

JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

48th LEGISLATIVE SESSION - - 1983 Date 3-11-83

NAME	PRESENT	ABSENT	EXCUSED
Berg, Harry K. (D)	✓		
Brown, Bob (R)	✓		
Crippen, Bruce D. (R)	✓		
Daniels, M. K. (D)	✓		
Galt, Jack E. (R)	✓		
Halligan, Mike (D)	✓		
Hazelbaker, Frank W. (R)	✓		
Mazurek, Joseph P. (D)	✓		
Shaw, James N. (R)	✓		
Turnage, Jean A. (R)	✓		

Each day attach to minutes.

DATE 3-11-83

COMMITTEE ON Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
AT UNDERWOOD	MT. FARM BUREAU	HB 825	✓	
Marvel Tweeten	MMA	507 429	✓	
Tony Dowling	Mont. R.R. Assn	825	—	
John Abke	MDU	825	—	
Denis Pigeon	M.D.U.	825	—	
Gerald Shanahan	Northern Tier Pipeline Co	825		
Mike Zimmerman	MPCO	825		
[illegible]	[illegible]	825	✓	
Mona Tregion	MT Stockgrowers, Dry Counties Assn Wool growers, Hay & Gr. Dists	825	✓	
Tom Ebzery	Tongue River Railroad	825	✓	
Pat Smith	N PRC	825	✓	
Bob Tully	NPRC	825	✓	

(Please leave prepared statement with Secretary)

STANDING COMMITTEE REPORT

March 11 19 83

MR. PRESIDENT

We, your committee on JUDICIART

having had under consideration HOUSE Bill No. 507

Hannah (Crippen)

Respectfully report as follows: That HOUSE Bill No. 507

Third reading, be amended as follows:

1. Page 1, line 20.
Strike: "$10"
Insert: "$7.50"

2. Page 1, Line 22.
Strike: "$10"
Insert: "$7.50"

3. Page 1, Line 24.
Strike: "$10"
Insert: "$7.50"

4. Page 2, Line 1.
Strike: "$5"
Insert: "$7.50"

DO ~~PASS~~

Continued on page 2

JEAN A. TURMAGE Chairman.

STATE PUB. CO.
Helena, Mont.

March 11, 19 83

5. Page 2, Line 9.
Strike: "$10"
Insert: "$7.50"

6. Page 2, Line 10.
Following: "for"
Strike: "filing"
Insert: "issuing"

And, as so amended,
BE CONCURRED IN

JEAN A. TURNAGE Chairman.

STATE PUB. CO.
Helena, Mont.

March 11, 1983

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 507 be amended as follows:

1. Page 1, line 20.
Strike: "$10"
Insert: "$7.50"

2. Page 1, Line 22.
Strike: "$10"
Insert: "$7.50"

3. Page 1, Line 24.
Strike: "$10"
Insert: "$7.50"

4. Page 2, Line 1.
Strike: "$5"
Insert: "$7.50"

5. Page 2, Line 6.
Strike: "$10"
Insert: "$7.50"

6. Page 2, Line 10.
Following: "for"
Strike: "filing"
Insert: "issuing"

Iverson, Jacobsen, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kemmis, Kennerly, Keyser, Kitselman, Koehnke, Lory, Lybeck, McBride, McCormick, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, O'Connell, Pavlovich, Peck, Pistoria, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Williams, Winslow, Yardley, Zabrocki.
Total 89

Noes: Bardanouve.
Total 1

Excused: Curtiss, Ellerd, Marks, Nordtvedt, Phillips, Wallin.
Total 6

Absent or not voting: J. Brown, Fagg, Harp, Hart.
Total 4

HB 168 - Representative Pistoria moved that HB 168 do pass. Representative Yardley made a substitute motion that HB 168 do not pass. The substitute motion failed as follows:

Ayes: Addy, Asay, Bardanouve, Bengtson, Brand, D. Brown, Daily, Darko, Donaldson, Driscoll, Eudaily, Hart, Holliday, R. Jensen, Jones, Keenan, Kemmis, Lory, Lybeck, Manuel, Menahan, Metcalf, Mueller, Pavlovich, Quilici, Ramirez, Roush, Ryan, Sales, Sands, Saunders, Seifert, Shontz, Smith, Solberg, Spaeth, Stobie, Thoft, Veleber, Vinger, Waldron, Williams, Yardley.
Total 43

Noes: Abrams, Bachini, Bergene, Bertelsen, Bliss, J. Brown, Compton, Connelly, Devlin, Dozier, Ellison, Ernst, Fabrega, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harrington, Hemstad, Howe, Iverson, Jacobsen, J. Jensen, Kadas, Kennerly, Keyser, Kitselman, Koehnke, McBride, McCormick, Miller, Neuman, Nilson, Nisbet, O'Connell, Peck, Pistoria, Ream, Schultz, Swift, Switzer, Underdal, Vincent, Winslow, Zabrocki.
Total 48

Excused: Curtiss, Ellerd, Marks, Nordtvedt, Phillips, Wallin.
Total 6

Absent or not voting: Fagg, Harper, Schye.
Total 3

Representative Waldron moved that HB 168, second reading copy, be amended. Representative Waldron withdrew his amendment. Representative Ramirez moved that HB 168 be placed below SB 45. Motion carried.

HB 268 - That HB 268 do pass. Motion carried as follows:

Ayes: Abrams, Addy, Bachini, Bardanouve, Bengtson, Bergene, Brand, D. Brown, J. Brown, Connelly, Darko, Donaldson, Driscoll, Ellison, Ernst, Eudaily, Fabrega, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, R. Jensen, Jones, Kadas, Kemmis, Kennerly, Kitselman, Lory, Lybeck, McBride, McCormick, Manuel, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, O'Connell, Pavlovich, Peck, Pistoria, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Stobie, Switzer, Thoft, Underdal, Veleber, Vincent, Waldron, Williams, Winslow, Yardley, Zabrocki.
Total 79

Noes: Asay, Bliss, Devlin, Keyser, Koehnke, Schultz, Swift, Vinger.
Total 8

Excused: Curtiss, Ellerd, Marks, Nordtvedt, Phillips, Wallin.
Total 6

Absent or not voting: Bertelsen, Compton, Daily, Dozier, Fagg, Keenan, Menahan.
Total 7

2nd Reading

HB 277 - That HB 277 do pass. Motion carried as follows:

Ayes: Abrams, Addy, Asay, Bachini, Bardanouve, Bengtson, Bergene, Bertelsen, Brand, D. Brown, J. Brown, Connelly, Daily, Darko, Donaldson, Driscoll, Ellison, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hansen, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kemmis, Kennerly, Koehnke, Lory, Lybeck, McBride, McCormick, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, O'Connell, Pavlovich, Peck, Pistoria, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schye, Seifert, Smith, Solberg, Spaeth, Stobie, Swift, Underdal, Vincent, Vinger, Waldron, Williams, Yardley.
Total 79

Noes: Bliss, Compton, Devlin, Ernst, Hanson, Keyser, Kitselman, Schultz, Shontz, Switzer, Thoft, Veleber, Winslow, Zabrocki.
Total 14

Excused: Curtiss, Ellerd, Marks, Nordtvedt, Phillips, Wallin.
Total 6

Absent or not voting: Dozier.
Total 1

HB 349 - That HB 349 do pass. Motion carried as follows:

Ayes: Abrams, Addy, Asay, Bachini, Bardanouve, Bengtson, Bergene, Bertelsen, Bliss, Brand, D. Brown, J. Brown, Compton, Connelly, Daily, Darko, Devlin, Donaldson, Driscoll, Ellison, Ernst, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kemmis, Kennerly, Keyser, Kitselman, Koehnke, Lory, McBride, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, O'Connell, Pavlovich, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Williams, Yardley, Zabrocki.
Total 87

Noes: Peck, Stobie.
Total 2

Excused: Curtiss, Ellerd, Marks, Nordtvedt, Phillips, Wallin.
Total 6

Absent or not voting: Dozier, Lybeck, McCormick, Pistoria, Winslow.
Total 5

HB 507 - That HB 507 do pass. Motion carried as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bengtson, Bergene, Bliss, Brand, D. Brown, J. Brown, Compton, Connelly, Daily, Darko, Devlin, Donaldson,

Dozier, Driscoll, Ellison, Ernst, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kemmis, Kennerly, Keyser, Kitselman, Koehnke, Lory, Lybeck, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, O'Connell, Pavlovich, Peck, Pistoria, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Williams, Winslow, Zabrocki.
Total 86

Noes: Abrams, McBride, Nisbet, Spaeth, Yardley.
Total 5

Excused: Curtiss, Ellerd, Marks, Nordtvedt, Phillips, Wallin.
Total 6

Absent or not voting: Bertelsen, McCormick, Waldron.
Total 3

HB 509 - That HB 509 do pass. Motion carried as follows:

Ayes: Abrams, Addy, Asay, Bachini, Bardanouve, Bengtson, Bergene, Bertelsen, Bliss, Brand, D. Brown, J. Brown, Compton, Connelly, Daily, Darko, Devlin, Donaldson, Dozier, Driscoll, Ellison, Ernst, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hansen, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kemmis, Kennerly, Keyser, Kitselman, Koehnke, Lory, Lybeck, McBride, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, O'Connell, Pavlovich, Peck, Pistoria, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Williams, Winslow, Zabrocki.
Total 90

Noes: Stobie.
Total 1

Excused: Curtiss, Ellerd, Marks, Nordtvedt, Phillips, Wallin.
Total 6

Absent or not voting: Hannah, McCormick, Yardley.
Total 3

HB 516 - That HB 516, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "SEARCH AND SEIZURE OR"

2. Title, line 7.
Following: "RULE"
Insert: "IN SEARCH AND SEIZURE CASES"

Amendment passed as follows:

Ayes: Abrams, Addy, Asay, Bachini, Bardanouve, Bengtson, Bergene, Bertelsen, Bliss, Brand, D. Brown, J. Brown, Compton, Connelly, Daily, Darko, Devlin, Donaldson, Dozier, Driscoll, Ernst, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Kitselman, Koehnke, Lory, Lybeck, McBride, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, O'Connell, Pavlovich, Peck, Pistoria, Quilici, Ramirez, Ream, Roush, Ryan,

Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Stobie, Switzer, Underdal, Veleber, Vincent, Vinger, Waldron, Williams, Winslow, Zabrocki.
Total 84

Noes: Eudaily, Swift.
Total 2

Excused: Curtiss, Ellerd, Marks, Nordtvedt, Phillips, Wallin.
Total 6

Absent or not voting: Ellison, Fabrega, Fagg, Kemmis, McCormick, Manuel, Thoft, Yardley.
Total 8

Committee on Appropriations excused at this time.

Representative Addy moved that HB 516, as amended, do pass. Representative D. Brown made a substitute motion that HB 516, as amended, do not pass. The substitute motion carried as follows:

Ayes: Abrams, Asay, Bliss, J. Brown, Compton, Curtiss, Devlin, Donaldson, Ellerd, Ellison, Ernst, Eudaily, Fagg, Hand, Hannah, Hanson, Harp, Holliday, Iverson, Jacobsen, R. Jensen, Jones, Keyser, Kitselman, Koehnke, Marks, Miller, Mueller, Neuman, Nilson, Nordtvedt, O'Connell, Pavlovich, Phillips, Ramirez, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Smith, Solberg, Stobie, Swift, Switzer, Underdal, Vinger, Wallin, Winslow.
Total 52

Noes: Addy, Bachini, Bardanouve, Bergene, Bertelsen, Brand, D. Brown, Daily, Darko, Dozier, Driscoll, Fabrega, Farris, Hammond, Hansen, Harper, Harrington, Hart, Howe, J. Jensen, Kadas, Keenan, Kemmis, Kennerly, Lybeck, McBride, McCormick, Metcalf, Nisbet, Pistoria, Ream, Shontz, Spaeth, Veleber, Vincent, Williams, Yardley, Zabrocki.
Total 38

Paired: Curtiss, Donaldson, Ellerd, Ernst, Fagg, Marks, Nordtvedt, Phillips, Stobie, Swift, Wallin, Winslow, Ayes; Addy, Bardanouve, Brand, Daily, Darko, Driscoll, Farris, J. Jensen, Metcalf, Ream, Spaeth, Vincent, Noes.

Excused: Bengtson, Connelly, Hemstad, Lory, Manuel, Menahan, Peck, Quilici, Thoft, Waldron.
Total 10

Absent or not voting: None.
Total 0

HB 542 - That HB 542 do pass. Motion carried as follows:

Ayes: Abrams, Addy, Asay, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Daily, Darko, Devlin, Dozier, Driscoll, Ellison, Eudaily, Fabrega, Fagg, Hammond, Hand, Hannah, Hanson, Harp, Harper, Harrington, Hart, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kemmis, Kennerly, Kitselman, Koehnke, Lybeck, McBride, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, O'Connell, Pavlovich, Pistoria, Ramirez, Ream, Ryan, Sales, Sands, Saunders, Schye, Seifert, Smith, Solberg, Spaeth, Swift, Switzer, Underdal, Veleber, Vincent, Yardley, Zabrocki.
Total 67

Noes: Bachini, Farris, Hansen, Jacobsen, Keyser, McCormick, Schultz, Vinger.

Holliday, Howe, Iverson, Jacobsen, J. Jensen, R. Jensen, Kadas, Keenan, Kennerly, Kitselman, Lory, McBride, McCormick, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Peck, Pistoria, Quilici, Ream, Roush, Ryan, Sales, Sands, Saunders, Schye, Smith, Solberg, Spaeth, Stobie, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Yardley, Zabrocki, Mr. Speaker.
Total 80

Noes: Daily, Hanson, Jones, Keyser, Koehnke, Marks, Pavlovich, Phillips, Ramirez, Schultz, Seifert, Swift, Winslow.
Total 13

Excused: Bliss, D. Brown, Fagg.
Total 3

Absent or not voting: Asay, Hansen, Lybeck, Shontz.
Total 4

HB 507 passed as follows:

Ayes: Abrams, Addy, Bachini, Bardanouve, Bengtson, Bergene, Bertelsen, Brand, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Donaldson, Dozier, Driscoll, Ellerd, Ernst, Eudaily, Fabrega, Farris, Hammond, Hand, Hannah, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Kitselman, Koehnke, Lory, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nordtvedt, O'Connell, Pavlovich, Peck, Phillips, Pistoria, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Winslow, Yardley, Zabrocki, Mr. Speaker.
Total 92

Noes: Nisbet.
Total 1

Excused: Bliss, D. Brown, Fagg.
Total 3

Absent or not voting: Asay, Ellison, Hansen, Lybeck.
Total 4

HB 509 passed as follows:

Ayes: Abrams, Addy, Bachini, Bardanouve, Bengtson, Bergene, Bertelsen, Brand, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Donaldson, Dozier, Driscoll, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Kitselman, Koehnke, Lory, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Peck, Phillips, Pistoria, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Winslow, Yardley, Zabrocki, Mr. Speaker.
Total 93

Noes: Stobie.
Total 1

3rd Reading 2/14/83

Excused: Bliss, D. Brown, Fagg.
Total 3

Absent or not voting: Asay, J. Jensen, Lybeck.
Total 3

HB 546 passed as follows:

Ayes: Abrams, Addy, Bardanouve, Bengtson, Bergene, Bertelsen, J. Brown, Connelly, Darko, Donaldson, Dozier, Driscoll, Ellerd, Eudaily, Fabrega, Farris, Hammond, Hand, Hansen, Harp, Harper, Harrington, Hart, Holliday, Howe, J. Jensen, R. Jensen, Kadas, Keenan, Kennerly, Koehnke, Lory, Lybeck, McBride, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Ream, Roush, Sales, Saunders, Schye, Shontz, Spaeth, Thoft, Veleber, Vincent, Waldron, Williams, Yardley, Mr. Speaker.
Total 56

Noes: Bachini, Brand, Compton, Curtiss, Daily, Devlin, Ellison, Ernst, Hannah, Hanson, Hemstad, Iverson, Jacobsen, Jones, Keyser, Kitselman, McCormick, Marks, Nordtvedt, O'Connell, Pavlovich, Peck, Phillips, Pistoria, Quilici, Ramirez, Ryan, Sands, Schultz, Seifert, Smith, Solberg, Stobie, Swift, Switzer, Underdal, Vinger, Wallin, Winslow, Zabrocki.
Total 40

Excused: Bliss, D. Brown, Fagg.
Total 3

Absent or not voting: Asay.
Total 1

HB 547 passed as follows:

Ayes: Abrams, Addy, Bachini, Bardanouve, Bengtson, Bergene, Bertelsen, Brand, J. Brown, Compton, Connelly, Daily, Darko, Devlin, Donaldson, Dozier, Driscoll, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Kitselman, Koehnke, Lory, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Peck, Phillips, Pistoria, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Winslow, Yardley, Zabrocki, Mr. Speaker.
Total 94

Noes: Curtiss, Williams.
Total 2

Excused: Bliss, D. Brown, Fagg.
Total 3

Absent or not voting: Asay.
Total 1

HB 133, Senate amendments, concurred in as follows:

Ayes: Abrams, Addy, Bachini, Bardanouve, Bengtson, Bergene, Bertelsen, Brand, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Donaldson, Dozier, Driscoll, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones,

Total 0

HB 653 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 679 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 832, being a Constitutional Amendment requiring a two-thirds vote of the legislature, was sent to the House with the following vote:

Ayes: Conover, Crippen, Etchart, Graham, Haffey, Keating, D. Manning, Marbut, Norman, Thomas, Towe.
Total 11

Noes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Van Valkenburg, Mr. President.
Total 38

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 851 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Towe in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 507 - That HB 507 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 656 - That HB 656, third reading copy, be amended as follows:

1. Title, line 4.
Following: "EXPAND"
Insert: "AND CLARIFY"

2. Page 1, line 11.
Following: "space."
Insert: "(1)"

3. Page 1, line 17.
Following: line 17

March 16, 1983

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 507 be amended as follows:

1. Page 1, line 20.
Strike: "$10"
Insert: "$7.50"

2. Page 1, line 22.
Strike: "$10"
Insert: "$7.50"

3. Page 1, line 24.
Strike: "$10"
Insert: "$7.50"

4. Page 2, line 1.
Strike: "$5"
Insert: "$7.50"

5. CLERICAL CORRECTION
Page 2, line 4
Strike: "$10"
Insert: "$7.50"

6. Page 2, line 6.
Strike: "$10"
Insert: "$7.50"

7. Page 2, line 10.
Following: "for"
Strike: "filing"
Insert: "issuing"

Absent or not voting: None.
Total 0

HB 231 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Mr. President.
Total 40

Noes: Aklestad, Etchart, Gage, Goodover, Himsl, Shaw, Story.
Total 7

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Crippen.
Total 1

HB 299 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 315 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 429 concurred in as follows:

3rd Reading

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 45

Noes: Etchart, Severson, Shaw.
Total 3

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 490 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Blaylock.
Total 1

HB 492 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Blaylock.
Total 1

HB 507 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 514 concurred in as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 44

Noes: Berg, Fuller, Lynch, R. Manning.
Total 4

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 562 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 626 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.

Total 2

Absent or not voting: None.
Total 0

HB 656 concurred in as follows:

Ayes: Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Mr. President.
Total 42

Noes: Aklestad, Berg, Himsl, Mohar, Severson, Story.
Total 6

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 691 concurred in as follows:

Ayes: Aklestad, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Norman, Severson, Smith, Stimatz, Story, Thomas, Towe.
Total 32

Noes: Berg, Brown, Dover, Eck, Gage, Hager, Himsl, Keating, Mazurek, Mohar, Ochsner, Regan, Shaw, Turnage, Mr. President.
Total 15

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: McCallum.
Total 1

HB 721 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 764 concurred in as follows:

2nd Reading

Ayes: Abrams, Addy, Asay, Bachini, Bengtson, Bergene, Bertelsen, Bliss, Brand, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Dozier, Ellison, Ernst, Eudaily, Fabrega, Fagg, Farris, Hand, Hansen, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, Jones, Kadas, Keenan, Kemmis, Kennerly, Keyser, Kitselman, Koehnke, Lory, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Peck, Phillips, Pistoria, Quilici, Ramirez, Ream, Ryan, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Stobie, Switzer, Veleber, Vincent, Wallin, Williams, Yardley.
Total 83

Noes: Sands, Swift.
Total 2

Excused: Driscoll, R. Jensen, Roush, Thoft, Vinger, Waldron, Winslow.
Total 7

Absent or not voting: Bardanouve, Donaldson, Ellerd, Hammond, Hannah, Sales, Underdal, Zabrocki.
Total 8

HB 506 - That Senate amendments to HB 506 be concurred in. Motion carried as follows:

Ayes: Abrams, Addy, Asay, Bachini, Bengtson, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Donaldson, Dozier, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, Jones, Kadas, Keenan, Kemmis, Kennerly, Keyser, Kitselman, Koehnke, Lory, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Peck, Phillips, Pistoria, Quilici, Ramirez, Ream, Ryan, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Stobie, Swift, Switzer, Underdal, Veleber, Vincent, Wallin, Williams, Yardley, Zabrocki.
Total 90

Noes: None.
Total 0

Excused: Driscoll, R. Jensen, Roush, Thoft, Vinger, Waldron, Winslow.
Total 7

Absent or not voting: Bardanouve, Brand, Sales.
Total 3

Representative Marks excused at this time.

HB 507 - That Senate amendments to HB 507 be concurred in. Motion carried as follows:

Ayes: Abrams, Addy, Asay, Bachini, Bengtson, Bergene, Bertelsen, Bliss, J. Brown, Compton, Connelly, Daily, Darko, Devlin, Donaldson, Dozier, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Farris, Hand, Hannah, Hansen, Hanson, Harp, Harper, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, Jones, Keenan, Kemmis, Kennerly, Kitselman, Koehnke, Lory, Lybeck, McBride, McCormick, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Peck, Phillips, Pistoria, Quilici, Ream, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Stobie, Swift, Switzer, Underdal, Veleber, Vincent, Wallin, Williams, Yardley, Zabrocki.
Total 81

Noes: D. Brown, Curtiss, Fagg, J. Jensen, Kadas, Keyser, Ramirez.
Total 7

Excused: Driscoll, R. Jensen, Marks, Roush, Thoft, Vinger, Waldron, Winslow.
Total 8

Absent or not voting: Bardanouve, Brand, Hammond, Harrington.
Total 4

Representative Marks present at this time.

HB 522 - That Senate amendments to HB 522 be concurred in. Motion carried as follows:

Ayes: Abrams, Addy, Asay, Bachini, Bengtson, Bergene, Bertelsen, Bliss, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Donaldson, Dozier, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, Jones, Kadas, Keenan, Kemmis, Kennerly, Keyser, Kitselman, Koehnke, Lory, Lybeck, McBride, McCormick, Manuel, Marks, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Phillips, Pistoria, Quilici, Ramirez, Ream, Ryan, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Swift, Switzer, Underdal, Veleber, Vincent, Wallin, Williams, Yardley, Zabrocki.
Total 86

Noes: D. Brown, Peck, Sales.
Total 3

Excused: Driscoll, R. Jensen, Roush, Thoft, Vinger, Waldron, Winslow.
Total 7

Absent or not voting: Bardanouve, Brand, Sands, Stobie.
Total 4

Representative Vinger present at this time.

Representative Marks excused at this time.

HB 528 - That Senate amendments to HB 528 be concurred in. Motion carried as follows:

Ayes: Abrams, Addy, Asay, Bachini, Bardanouve, Bengtson, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Donaldson, Dozier, Ellerd, Ernst, Eudaily, Fabrega, Farris, Hammond, Hand, Hannah, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Howe, Iverson, Jacobsen, J. Jensen, Jones, Kadas, Keenan, Kemmis, Kennerly, Keyser, Kitselman, Koehnke, Lory, Lybeck, McBride, McCormick, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Peck, Phillips, Pistoria, Quilici, Ramirez, Ream, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Spaeth, Stobie, Swift, Switzer, Underdal, Veleber, Vincent, Vinger, Wallin, Williams, Yardley, Zabrocki.
Total 89

Noes: Ellison, Hansen.
Total 2

Excused: Driscoll, R. Jensen, Marks, Roush, Thoft, Waldron, Winslow.
Total 7

Excused: Abrams, Asay, Bengtson, Brand, Donaldson, Driscoll, Ernst, Harrington, Jacobsen, Kitselman, Peck, Pistoria, Spaeth, Winslow.
Total 14

Absent or not voting: None.
Total 0

HB 466, Senate amendments, concurred in as follows:

Ayes: Addy, Bachini, Bardanouve, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Dozier, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Hart, Hemstad, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Koehnke, Lory, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Phillips, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Yardley, Zabrocki, Mr. Speaker.
Total 86

Noes: None.
Total 0

Excused: Abrams, Asay, Bengtson, Brand, Donaldson, Driscoll, Ernst, Harrington, Jacobsen, Kitselman, Peck, Pistoria, Spaeth, Winslow.
Total 14

Absent or not voting: None.
Total 0

HB 490, Senate amendments, concurred in as follows:

Ayes: Addy, Bachini, Bardanouve, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Dozier, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hanson, Harp, Harper, Hart, Hemstad, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Koehnke, Lory, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Phillips, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Yardley, Zabrocki, Mr. Speaker.
Total 85

Noes: None.
Total 0

Excused: Abrams, Asay, Bengtson, Brand, Donaldson, Driscoll, Ernst, Harrington, Jacobsen, Kitselman, Peck, Pistoria, Spaeth, Winslow.
Total 14

Absent or not voting: Hansen.
Total 1

HB 504, Senate amendments, concurred in as follows:

Ayes: Addy, Bachini, Bardanouve, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Dozier, Ellerd, Ellison, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Hart, Hemstad, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Koehnke, Lory, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Phillips, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Saunders, Schultz, Schye, Shontz, Smith, Solberg, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Yardley, Zabrocki, Mr. Speaker.
Total 83

Noes: Sands, Seifert.
Total 2

Excused: Abrams, Asay, Bengtson, Brand, Donaldson, Driscoll, Ernst, Harrington, Jacobsen, Kitselman, Peck, Pistoria, Spaeth, Winslow.
Total 14

Absent or not voting: Eudaily.
Total 1

HB 506, Senate amendments, concurred in as follows:

Ayes: Addy, Bachini, Bardanouve, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Dozier, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hanson, Harp, Harper, Hart, Hemstad, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Koehnke, Lory, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Phillips, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Waldron, Wallin, Williams, Yardley, Zabrocki, Mr. Speaker.
Total 84

Noes: None.
Total 0

Excused: Abrams, Asay, Bengtson, Brand, Donaldson, Driscoll, Ernst, Harrington, Jacobsen, Kitselman, Peck, Pistoria, Spaeth, Winslow.
Total 14

Absent or not voting: Hansen, Vinger.
Total 2

HB 507, Senate amendments, concurred in as follows:

Ayes: Addy, Bachini, Bardanouve, Bergene, Bliss, J. Brown, Compton, Connelly, Daily, Darko, Devlin, Dozier, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Hart, Hemstad, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Koehnke, Lory, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Phillips, Quilici, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Smith, Solberg, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Yardley, Zabrocki, Mr. Speaker.
Total 81

Noes: D. Brown, Curtiss, Ramirez.
Total 3

Excused: Abrams, Asay, Bengtson, Brand, Donaldson, Driscoll, Ernst, Harrington, Jacobsen, Kitselman, Peck, Pistoria, Shontz, Spaeth, Winslow.
Total 15

Absent or not voting: Bertelsen.
Total 1

HB 522, Senate amendments, concurred in as follows:

Ayes: Addy, Bachini, Bardanouve, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Dozier, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hanson, Harp, Harper, Hart, Hemstad, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Koehnke, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Phillips, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Yardley, Zabrocki, Mr. Speaker.
Total 84

Noes: None.
Total 0

Excused: Abrams, Asay, Bengtson, Brand, Donaldson, Driscoll, Ernst, Harrington, Jacobsen, Kitselman, Peck, Pistoria, Spaeth, Winslow.
Total 14

Absent or not voting: Hansen, Lory.
Total 2

HB 528, Senate amendments, concurred in as follows:

Ayes: Addy, Bachini, Bardanouve, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Dozier, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hanson, Harp, Harper, Hart, Hemstad, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Koehnke, Lory, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Phillips, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Yardley, Zabrocki, Mr. Speaker.
Total 85

Noes: Hansen.
Total 1

Excused: Abrams, Asay, Bengtson, Brand, Donaldson, Driscoll, Ernst, Harrington, Jacobsen, Kitselman, Peck, Pistoria, Spaeth, Winslow.
Total 14

Absent or not voting: None.
Total 0

HB 539, Senate amendments, concurred in as follows:

Ayes: Addy, Bachini, Bardanouve, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Dozier, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Hart, Hemstad, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Koehnke, Lory, Lybeck, McBride, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Phillips, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Yardley, Zabrocki, Mr. Speaker.
Total 85

Noes: None.
Total 0

Excused: Abrams, Asay, Bengtson, Brand, Donaldson, Driscoll, Ernst, Harrington, Jacobsen, Kitselman, Peck, Pistoria, Spaeth, Winslow.
Total 14

Absent or not voting: McCormick.
Total 1

HB 541, Senate amendments, concurred in as follows:

Ayes: Addy, Bachini, Bardanouve, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Dozier, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Hart, Hemstad, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Koehnke, Lory, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Phillips, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Yardley, Zabrocki, Mr. Speaker.
Total 85

Noes: Keyser.
Total 1

Excused: Abrams, Asay, Bengtson, Brand, Donaldson, Driscoll, Ernst, Harrington, Jacobsen, Kitselman, Peck, Pistoria, Spaeth, Winslow.
Total 14

Absent or not voting: None.
Total 0

HB 548, Senate amendments, concurred in as follows:

Ayes: Addy, Bachini, Bardanouve, Bergene, Bertelsen, Bliss, D. Brown, J. Brown, Compton, Connelly, Curtiss, Daily, Darko, Devlin, Dozier, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Farris, Hammond, Hand, Hannah, Hansen, Hanson, Harp, Harper, Hart, Hemstad, Holliday, Howe, Iverson, J. Jensen, R. Jensen, Jones, Kadas, Keenan, Kennerly, Keyser, Koehnke, Lory, Lybeck, McBride, McCormick, Marks, Manuel, Menahan, Metcalf, Miller, Mueller, Neuman, Nilson, Nisbet, Nordtvedt, O'Connell, Pavlovich, Phillips, Quilici, Ramirez, Ream, Roush, Ryan, Sales, Sands, Saunders, Schultz, Schye, Seifert, Shontz, Smith, Solberg, Stobie, Swift, Switzer, Thoft, Underdal, Veleber, Vincent, Vinger, Waldron, Wallin, Williams, Yardley, Zabrocki, Mr. Speaker.
Total 86

Noes: None.
Total 0

Excused: Abrams, Asay, Bengtson, Brand, Donaldson, Driscoll, Ernst, Harrington, Jacobsen, Kitselman, Peck, Pistoria, Spaeth, Winslow.
Total 14

Absent or not voting: None.

HOUSE BILL NO. 507

INTRODUCED BY HANNAH, FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS RELATING TO THE OFFICE HOURS AND FEES OF JUSTICES' COURTS AND TO THE COMMENCEMENT OF ACTIONS IN AND REMOVAL OF ACTIONS FROM JUSTICES' COURTS; AMENDING SECTIONS 3-10-208, 25-31-112, 25-35-601, AND 25-35-605, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-208, MCA, is amended to read:

"3-10-208. Office hours. In the resolution providing for the salary, the county commissioners shall designate the office hours for each ~~justice~~ justice's court. Office hours shall be commensurate with the salary provided."

Section 2. Section 25-31-112, MCA, is amended to read:

"25-31-112. Fees. The following is the schedule of fees which, except as provided in 25-35-605, shall be paid in every civil action in a justice's court:

(1) $5 ~~$10~~ $7.50 when complaint is filed, to be paid by the plaintiff;

(2) $5 ~~$10~~ $7.50 when the defendant appears, to be paid by the defendant;

(3) $5 ~~$10~~ $7.50 to be paid by the prevailing party when judgment is rendered. In cases where judgment is entered by default, no charge except the $5 $7.50 for the filing of the complaint shall be made for any services, including issuing and return of execution.

(4) $5 ~~$10~~ $7.50 for all services in an action where judgment is rendered by confession;

(5) $5 ~~$10~~ $7.50 for filing notice of appeal and transcript on appeal, justifying and approving undertaking on appeal, and transmitting papers to the district court with certificate;

~~(6) $1 for filing~~ ISSUING each writ of execution or attachment."

Section 3. Section 25-35-601, MCA, is amended to read:

"25-35-601. Commencement of action -- assistance to claimant. (1) A small claims action is commenced whenever any person appears before a justice of the peace or his clerk and executes a sworn small claims complaint in substantially the same form as set forth in 25-35-602.

(2) The justice shall assist any claimant in preparing his complaint or instruct his clerk to provide such assistance. The attorney general shall prepare a pamphlet explaining in plain language the procedures for prosecuting and defending a claim in small claims court and distribute copies of the pamphlet to each small claims court. The justice or his clerk shall give the plaintiff a copy when the plaintiff appears to execute his complaint, and a copy

REFERENCE BILL

must be attached to the order of the court/notice to defendant."

Section 4. Section 25-35-605, MCA, is amended to read:

"25-35-605. Removal to justice's court -- effect of failure to remove. (1) Any action commenced in small claims court may be removed to justice's court by a defendant upon the filing of a notice of removal with the justice within 40 10 days of the service of the complaint and order. From the time of filing of the notice of removal, the court to which the action is removed has and exercises the same jurisdiction over it as though the action had been originally commenced in such court.

(2) Upon the filing of a notice of removal, the court shall give notice of that fact to all other parties to the action. All rules and statutes governing proceedings originally commenced in justice's court, except rules of pleading, but including rules and statutes governing appeals from justice's court, are applicable to proceedings removed to justice's court, except that a plaintiff is not required to replead unless the court so orders, and no fee shall be required of a plaintiff for the filing of a complaint if a fee for filing was paid in small claims court.

(3) Failure to request removal within the time provided in subsection (1) constitutes a waiver by the defendant of his right to a trial by jury and representation

by an attorney, and the justice shall inform the defendant of such fact prior to commencement of the hearing."

-End-

Section 3. Section 18-2-111, MCA, is amended to read:

"18-2-111. Policy regarding practice of architecture — preparation of working drawings by department limited. (1) It is the policy of the state not to engage in the practice of architecture; however, this policy shall not be construed as prohibiting the department of administration from:

(a) engaging in preplanning functions necessary to prepare a building program for presentation to the legislature;

(b) supervising construction as provided in 18-2-105(6); or

(c) preparing working drawings for minor projects.

(2) The department of administration is expressly prohibited from preparing working drawings for the construction of a building, *with the exception of repair or maintenance projects*, when the total cost of the construction will exceed $25,000."

Section 4. Section 18-2-112, MCA, is amended to read:

"18-2-112. Appointment of architects and consulting engineers. The department of administration shall appoint any architect or consulting engineer retained for work on any building to be constructed, remodeled, or renovated by the state of Montana, its boards, institutions, and agencies from a list of three architects or consulting engineers proposed by the state board, institution, or agency where the work is to be done. Such appointment shall be subject to the approval of the state board of examiners. *The department need not appoint an architect or consulting engineer for repair or maintenance projects.*"

Section 5. **Effective date.** This act is effective on passage and approval.

Approved April 14, 1983.

CHAPTER NO. 492

AN ACT TO AMEND THE LAWS RELATING TO THE OFFICE HOURS AND FEES OF JUSTICES' COURTS AND TO THE COMMENCEMENT OF ACTIONS IN AND REMOVAL OF ACTIONS FROM JUSTICES' COURTS; AMENDING SECTIONS 3-10-208, 25-31-112, 25-35-601, AND 25-35-605, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 3-10-208, MCA, is amended to read:

"3-10-208. Office hours. In the resolution providing for the salary, the county commissioners shall designate the office hours for each *justice's court*. Office hours shall be commensurate with the salary provided."

Section 2. Section 25-31-112, MCA, is amended to read:

"25-31-112. Fees. The following is the schedule of fees which, except as provided in 25-35-605, shall be paid in every civil action in a justice's court:

(1) *$7.50* when complaint is filed, to be paid by the plaintiff;

(2) *$7.50* when the defendant appears, to be paid by the defendant;

(3) *$7.50* to be paid by the prevailing party when judgment is rendered. In cases where judgment is entered by default, no charge except the *$7.50* for the filing of the complaint shall be made for any services, including issuing and return of execution.

(4) *$7.50* for all services in an action where judgment is rendered by confession;

(5) *$7.50* for filing notice of appeal and transcript on appeal, justifying and approving undertaking on appeal, and transmitting papers to the district court with certificate;

(6) $1 for issuing each writ of execution or attachment."

Section 3. Section 25-35-601, MCA, is amended to read:

"25-35-601. Commencement of action — assistance to claimant. (1) A small claims action is commenced whenever any person appears before a justice of the peace *or his clerk* and executes a sworn small claims complaint in substantially the same form as set forth in 25-35-602.

(2) The justice shall assist any claimant in preparing his complaint or instruct his clerk to provide such assistance. The attorney general shall prepare a pamphlet explaining in plain language the procedures for prosecuting and defending a claim in small claims court and distribute copies of the pamphlet to each small claims court. The justice or his clerk shall give the plaintiff a copy when the plaintiff appears to execute his complaint, and a copy must be attached to the order of the court/notice to defendant."

Section 4. Section 25-35-605, MCA, is amended to read:

"25-35-605. Removal to justice's court — effect of failure to remove. (1) Any action commenced in small claims court may be removed to justice's court by a defendant upon the filing of a notice of removal with the justice within *10* days of the service of the complaint and order. From the time of filing of the notice of removal, the court to which the action is removed has and exercises the same jurisdiction over it as though the action had been originally commenced in such court.

(2) Upon the filing of a notice of removal, the court shall give notice of that fact to all other parties to the action. All rules and statutes governing proceedings originally commenced in justice's court, *except rules of pleading but* including rules and statutes governing appeals from justice's court, are applicable to proceedings removed to justice's court, except that a plaintiff is not required to replead unless the court so orders, and no fee shall be required of a plaintiff for the filing of a complaint if a fee for filing was paid in small claims court.

(3) Failure to request removal within the time provided in subsection (1) constitutes a waiver by the defendant of his right to a trial by jury and representation by an attorney, and the justice shall inform the defendant of such fact prior to commencement of the hearing."

Approved April 14, 1983.

CHAPTER NO. 493

AN ACT TO PROVIDE A WEIGHTED VOTING PROCESS IN THE SELECTION OF A PERSON TO FILL A LEGISLATIVE VACANCY IN THOSE LEGISLATIVE DISTRICTS CONSISTING OF ALL OR PARTS OF MORE THAN ONE COUNTY; AMENDING SECTION 5-2-402, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5-2-402, MCA, is amended to read:

"5-2-402. Appointment by board of county commissioners. (1) When a vacancy occurs in the legislature, the vacancy shall be filled by appointment by the board of county commissioners or, in the event of a multicounty district, the boards of county commissioners comprising the district sitting as one appointing board.

(2) Whenever boards of county commissioners sit as one appointing board, selection of an individual to fill the vacancy must be as follows:

(a) The chairman of the board of county commissioners of the county in which the person resided whose vacancy is to be filled shall call a meeting for the purpose of appointing the member of the legislature, and he shall act as the presiding officer of the meeting.

(b) Each commissioner's vote is determined by the following formula: 100 multiplied by (A divided by B) multiplied by (1 divided by C), where A is the total votes cast in the respective county for the person vacating the legislative seat or, if such person was not himself elected, the votes cast for the last person to be elected for the current term, B is the total votes cast for that person in the legislative district, and C is the number of authorized commissioners on the board of the commissioner whose vote is being determined. If a vacancy occurs in a holdover senate seat after holdover senators have been assigned to new districts under each reapportionment, the formula must be applied using the votes cast for the senatorial candidates at the last election in which such votes were cast. Such votes shall include only those cast by electors residing in the new senate district for senate candidates of the party to which the person vacating the seat belonged. The secretary of state shall provide an estimate of the number of votes so cast, by county or portion thereof.

(c) The person selected to fill the vacancy is the one who receives the highest number above 50 that results from the calculation required by this subsection. If no candidate receives a number higher than 50 from